



APPLICATION FOR SPECIAL EXCEPTION

Santa Rosa County Community Planning, Zoning & Development Division
6051 Old Bagdad Highway
Milton, FL 32583

Phone: (850) 981-7075 Fax: (850) 983-9874
E-Mail: planning@co.santa-rosa.fl.us

** FOR OFFICIAL USE ONLY **	
Application No. _____ -SX- _____	Date Received: _____
FEE: _____	Receipt: _____
FLUM Designation: _____	Zoning District: _____

(Must be completed with all necessary information prior to acceptance)

INSTRUCTIONS:

Fill out and submit with attachments to the Community Planning, Zoning and Development Division. Please include a \$15.00 sign fee. You will also need to include \$1.27 x each property owner within a 150' radius of the property lines. **(NOTE: Any structure greater than 35' in height requires notification to property owners within 500 feet of the involved property.)** This fee is for each letter addressed to the property owners. This fee will be calculated at the time the application is submitted.

1. Applicant Name: _____
Mailing Address: _____
Daytime Phone Number: (_____) _____
Contact Person: _____
2. Owner(s) of Property: _____
(If other than applicant, a **certified or notarized letter** granting permission from the landowner is required.)
3. Property to be used for Special Exception (street address):

4. Provide driving directions to the property. Give landmarks, side streets, etc. from a major intersection.
-
-
5. Describe present use of property:
-
-
6. Describe the requested special exception.
-
-
7. Give the Parcel or tax I.D. number (example: 15-1N-28-0120-00800-0040)
- _____-_____-_____-_____-_____-_____-_____-_____-_____-_____
8. The zone of the property is _____
9. Size of parcel (in acres or feet) to be considered for Special Exception
-
10. The burden of proof falls upon the applicant. Therefore, please read the attached special exception information carefully. A letter will need to be written addressing the reason for request. The applicant should follow the criterion applicable to the request and be as detailed as possible with the explanation. The applicant must respond to all of the criterion attached for the respective request.

REQUIREMENTS:

- A. Sealed survey, by a certified surveyor, indicating square footage of property.
- B. A site plan of property, showing property lines, dimensions, structures (existing and proposed), abutting streets, legal description and any other pertinent information must be attached to this application.
- C. Application must be submitted to the Community Planning, Zoning and Development Division at least 30 business days prior to the next regularly scheduled meeting of the Board of Adjustments (BOA).
- D. Provide a copy of covenants and restrictions on deed, if applicable.
- E. Certified letters of public notice regarding the BOA meeting to decide this application for Special Exception will be mailed by the Planning Department to all surrounding property owners as required by Article 2.04.03 of the Santa Rosa County Land Development Code. However, it is the applicant's responsibility to obtain the following information from the **Property Appraisers Office**, located in the Santa Rosa County Administrative Complex at 6816 Caroline Street in Milton (983-1880). **Please note that the Property Appraisers Office only provides this information; other questions about the application or the process must be directed to the Planning and Zoning Office.**
- A printout with a parcel map, indicating all of the surrounding property owners within 150 feet of the applicant's property for the requested the action. (NOTE: Any structure greater than 35' in height requires notification to property owners within 500 ft. of the involved property.)
 - Mailing labels (2 complete sets) with the surrounding property owners' names and addresses to be obtained by the Property Appraiser from the official tax records.
 - The Property Appraiser's parcel map of the proposed site identifying the selected property owners within the 150' radius.
- F. The Planning Department will post a sign on the property prior to said meeting.
- G. How does your site meet the Land Development Code (Article 2.04.00.C) Special Exception requirements for the type of use you are applying for? Please see the attached excerpt of the Land Development Code regarding Special Exceptions and go to the paragraph for your specific request. Answer in a letter format and state how your specific parcel and request meet the "Criteria" as listed.
- H. If the applicant is other than the property owner, provide a notarized authorization from the property owner. If the property is under contract for sale and the applicant is the buyer of the property, a copy of the sales agreement will suffice. Our intention is to ensure that proper authorization has been granted for this request.

Any appeals of the decision made by the Board of Adjustments must be submitted in writing to the Community Planning, Zoning and Development Division within 15 calendar days after the Board of Adjustments Meeting.

Taken from the Santa Rosa County Land Development Code:

2.04.00 SPECIAL EXCEPTIONS

- C. Special Exceptions: To hear and decide special exceptions to the terms of this ordinance. The Board is hereby authorized to grant special exceptions in appropriate cases and with appropriate safeguards to authorize the use of a premises for a purpose not generally permitted within the district in which said premises is located or to interpret specific provisions of this ordinance expressed in this Section whenever it finds sufficient facts to demonstrate to its satisfaction that such exception if granted would be substantially in harmony with the general purpose and intent of this ordinance.

The authority to decide special exceptions is limited to the following cases:

1. To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of passage of this ordinance, except in the case of unplatted subdivisions.
2. To interpret the location of a district line where the street layout on the ground varies from the street layout as shown on the zoning district map or in the event of any other ambiguity, except in the case of unplatted subdivisions.
3. To permit the reconstruction of a non-conforming building which has been destroyed or partially destroyed by fire or Act of God, where the Board shall find that the continuance of such non-conforming use is in harmony with the general welfare of the public.
4. To permit the construction, extension, structural alteration or operation of the following uses, which are otherwise prohibited from certain districts, upon finding by the Board that proper safeguards and conditions have been provided to lessen congestion in the streets, to secure safety from fire, panic or other dangers, to promote health and general welfare, to provide adequate light and air and to prevent overcrowding of land. The Board may impose such additional reasonable conditions and safeguards as it shall deem appropriate to promote the general purposes of this Ordinance. The Board shall have the authority to authorize the following uses in the districts specified, whenever it finds that the safeguards and conditions stipulated have been met:
 - a. Cemetery or mausoleum in any district, but provided that:
 - (1) No main or assembly building be located closer than fifty (50) feet to any lot line adjoining an "R" district.
 - (2) Direct access be provided to a collector or major thoroughfare street as differentiated from a local street which serves pre-dominantly as access to residential property.

- (3) No undertaking establishment or funeral home be operated as a part of such cemetery or mausoleum except in the district where such uses are permitted in this Ordinance.
 - b. Off-Street parking lot in R-2, R-2M, and R-3 "Multiple Family Districts" provided that at least one (1) boundary of such parking lot abuts a non-residential district and provided further that such parking lot is accessory to a permitted use located not more than (300) feet from the use served. In addition, site plan and landscaping requirements for all such off-street parking areas shall comply with Section 6(B)(11) regarding required landscaping, except that neither a public hearing shall be required by the County Zoning Review and Appeals Board, nor shall a review thereof be required by the County Commission.
5. To permit a limited range of commercial uses strictly in conjunction with residential uses in Agricultural districts only and located on the same lot and limited to the following provisions:
- a. Maximum number of employees other than family members limited to four (4).
 - b. The maximum sized structure allowed for commercial uses limited to 1,200 square feet of total gross floor area.
 - c. Commercial activities limited to: woodworking, welding, professional services such as day care, modeling, dancing, and photography studios, hair care and similar services, plumbing and electrical contractors and similar services, and limited retail sales.
 - d. Insure the health, safety and welfare of the surrounding community by imposing additional, reasonable safeguards as it shall deem appropriate.
6. To allow the dividing of a parcel in the Residential zoning districts, resulting in a parcel which does not possess the required road frontage, if the following provisions are met:
- a. The divided land shall only be given without valuable consideration to a member of the donor's immediate family. (Immediate family being defined as spouse, father, mother, brother, sister, son, daughter, stepchild, grandchild, or grandparent).
 - b. Property being divided shall not be located within a recorded, platted subdivision.
 - c. The maximum allowable density of the parcel created shall not exceed the allowable density of the respective zone.

- d. Except for frontage and that which is herein contained, all other requirements of this Ordinance shall be adhered to.
 - e. An easement maintenance agreement between property owners is required or; an access easement (minimum width 20 ft.) must be included in each newly created deed.
 - f. No new County maintained roads are created.
 - g. The parcels created are compatible with neighboring properties. The following criteria will be utilized in determining compatibility: social compatibility (to be accomplished through neighboring property owner notification per Section 2.04.03 and citizen review); disposition and orientation of any proposed buildings on the newly created lot(s); scale; and visual integrity.
7. To permit the dividing of a parcel in the Highway Commercial Development District resulting in a parcel which does not possess the required road frontage, provided that:
- a. Joint access is provided and established through a joint access agreement between property owners. The joint access agreement must specify responsibility for access improvements necessitated by the development of either lot;
 - b. Except for road frontage, all other requirements of this Ordinance shall be adhered to; and
 - c. No more than one (1) non-conforming lot is created and that parcel is deed restricted such that it cannot be further subdivided unless all of the platting requirements are met; and
 - d. The parent parcel must conform to the road frontage requirements of this Ordinance and must abut a state or county approved roadway; and
 - e. The division of the parent parcel does not result in the creation of a flag lot; and
 - f. An access management plan for the minor subdivision must be approved by the County Engineer as provided in Section 4.04.03 (D)(11).
8. To allow the temporary use of a mobile home as a guest residence within any

residential zoning district due to medical hardship if the following conditions are met:

- a. The need for medical care must be certified in writing by a physician licensed in the State of Florida stating the medical hardship and specifying the extent of the need for in-house medical care and approximate length of time for the in-house medical need.
- b. A mobile home for temporary use shall not exceed 1,300 square feet in size.
- c. Both the primary residence and the mobile home must be located on a parcel with the same property identification number.
- d. Either the caregiver and their immediate family, or the person in need of medical care may occupy the mobile home.
- e. To avoid overcrowding on a parcel, the minimum lot size for the primary dwelling and mobile home shall be one-quarter acre in all zoning districts for those parcels utilizing public sewer, as long as lot coverage and setback requirements of the relevant zoning district are met. For those parcels utilizing septic tanks, the minimum lot size shall be one-half acre, as long as lot coverage and setback requirements of the relevant zoning district are met.
- f. The mobile home must have available adequate water, sewer (septic tank), solid waste removal, and electric service. The building inspections department shall inspect the utility connections and shall verify that the mobile home complies with hurricane safety requirements.
- g. A survey or site plan is required and must be drawn to scale and show the location of all existing structures, the proposed location of the mobile home, and all required setback distances.
- h. The mobile home must be located behind the principle dwelling, be separated from the principle dwelling by at least 10 feet, and shall observe all setback requirements for the main building.
- i. Once the mobile home is placed upon the property, the wheels and axles shall not be removed, and no building permit shall be approved for additions to the mobile home, except for handicapped access ramps.
- j. The BOA shall determine that the temporary use is the minimum necessary to afford relief due to a medical hardship which is defined as a condition of health whereby a person requires temporary in-house medical care and

assistance by another but where circumstances make it difficult or impossible for the caregiver to reside in the same dwelling as the person in need of such care.

- k. The BOA shall make a compatibility finding that the temporary use will not have an adverse impact on the use of surrounding properties.
 - l. The temporary use of a mobile home as a guest residence due to medical hardship may be initially granted for a period of up to two years. One additional extension of up to two years may be granted by the BOA based on a physician's confirmation of the continuation of the hardship, and a finding of no changed circumstances, which would alter prior findings made by the BOA, filed prior to the two-year expiration date. The fee for notice, signage, and legal advertisement requirements shall apply to such extensions.
 - m. When the medical hardship ends, or an extension is denied, or upon expiration of the initial approval, or upon expiration of the additional two-year extension, the mobile home must be removed from the site within 60 days. Thereafter, code enforcement procedures will be instituted against the property owner to remove the mobile home. Only the BOA, based on competent and substantial evidence or just cause, may extend the 60-day period.
 - n. Prior to the placement of the mobile home on the property, the owner of the parcel shall execute a "hold harmless agreement" acknowledging the county's right to remove the mobile home at the owner's expense if the owner, or his or her heirs and assigns, fail to remove the mobile home within the specified 60-day time period or extended period.
9. To permit the dividing of a parent parcel in the RR-1, R-1, R-1M, and R-1A zoning districts, resulting in a parcel(s) which will not possess the required road frontage. A parent parcel is defined as those lots of record as of October 22, 1998. A parent parcel may be subdivided with the following provisions:
- a. A parent parcel may only be subdivided to create a maximum of three (3) new lots which do not meet minimum road frontage requirements. The three new lots will include the remainder of the parent parcel if road frontage requirements cannot be met;
 - b. No new County roads are created;
 - c. An easement maintenance agreement between property owners or an access easement (minimum width 20 feet) included in the deed is required;

- d. Property being divided shall not be located within a recorded platted subdivision;
 - e. The maximum allowable density of the parcel created shall not exceed the allowable density of the respective zone;
 - f. Except for street frontage and that which is herein contained, all other requirements of this ordinance shall be adhered to; and
 - g. The new parcel size, use and configuration must be consistent with existing residential uses in the vicinity.
10. To allow the temporary (seasonal) use of recreational vehicles (RVs) located in Agriculture or Agriculture-2 districts on parcels less than five (5) acres in size, subject to the following requirements:
- a. The recreational vehicle must be owned by the property owner or an immediate family member.
 - b. The property owner shall provide for the lawful disposal of all waste.
 - c. Commercial use of recreational vehicles in Agriculture or Agriculture-2 districts is prohibited. RVs or RV space may not be leased.
 - d. The recreational vehicle must adhere to the setback requirements for accessory building and structures found in Section 2.10.05.
 - e. The placement of the RV shall not have any adverse impact upon adjoining or nearby properties.
 - f. The Board of Adjustments may impose additional criteria or restrictions, including but not limited to time limits and number of units, based on site-specific circumstances and characteristics to assure compatibility with adjacent uses.